changed by a statute passed September 1, 1920, providing that the period should start running on a claim for fraud when the fraud was discovered. The complaint set forth the date of discovery of the fraud as May 1, 1919. The defendant moved for judgment on the pleadings. *Held*, that the motion be denied. *Hopkins* v. *Lincoln Trust Co.*, 187 N. Y. Supp. 883 (Sup. Ct.).

For a discussion of the principles involved, see NOTES, *supra*, p. 193.

CONSTITUTIONAL LAW — SEPARATION OF POWERS — IMMUNITY OF GOVERNOR FROM ARREST. — The Governor of Illinois was indicted for embezzlement alleged to have been committed during a previous term as State Treasurer. *Held*, that he is liable to arrest and trial during his term of office. *People* v. *Small*, Ill. Circ. Ct., 7th Jud. Circ., decided July 27, 1921 (not officially reported).

For a discussion of the principles involved, see NOTES, *supra*, p. 185.

CORPORATIONS — CORPORATIONS *DE FACTO* — LIABILITY OF CORPORATION FOR TORT OF ASSOCIATES BEFORE INCORPORATION. — The plaintiff was injured in a collision between two auto busses operated by associates who later incorporated as the defendant corporation. The busses had been purchased in the corporate name two days before the accident. At the same time, a certificate of incorporation had been drawn and signed. A statute provided that an incorporating body which had previously recorded its certificate with the county clerk should become a corporation upon the date of filing said certificate at the office of the Secretary of State. (1896 N. J. COMP. STAT., p. 1604, § 10.) The certificate was recorded the day after the accident and filed four days thereafter. *Held*, that the defendant corporation is liable. *Frawley* v. *Tenafly Transportation Co.*, 113 Atl. 242 (N. J.).

For a discussion of the principles involved, see NOTES, *supra*, p. 198.

CORPORATIONS — DIRECTORS AND OTHER OFFICERS — POWER OF DIRECTORS: VOLUNTARY PETITION IN BANKRUPTCY UNDER CHARTER FORBIDDING DIRECTORS TO ASSIGN. — The charter of a corporation provided that the directors should have authority to dispose of the whole property of the corporation with the consent of the stockholders. By resolution of the board of directors, without the consent of the stockholders, the corporation filed a voluntary petition in bankruptcy. *Held*, that the adjudication should not be vacated. *In re De Camp Glass Casket Co.*, 272 Fed. 558 (6th Circ.).

The present Bankruptcy Act, as amended, allows a corporation to become a voluntary bankrupt, but does not specify by whom the corporate decision shall be made. BANKRUPTCY ACT, § 4a, 1919 BARNES, FEDERAL CODE, § 9089. A similar situation existed before the amendment, as to the commission of an act of bankruptcy by admission of insolvency. BANKRUPTCY ACT, § 3a (5), 1919 BARNES, FEDERAL CODE, § 9088. In the absence of specific charter provision or state legislation, power to do either is generally held to be in the directors. *In re C. Moench & Sons Co.*, 130 Fed. 685 (2d Circ.); *In re S. & S. Mfg. & Sales Co.*, 246 Fed. 1005 (N. D. Ohio); *Dodge* v. *Kenwood Ice Co.*, 204 Fed. 577 (8th Circ.). See 25 HARV. L. REV. 562. This power is usually rested on the power of committing an act of bankruptcy by making an assignment for the benefit of creditors. *Dodge* v. *Kenwood Ice Co.*, *supra; Home Powder Co.* v. *Geis*, 204 Fed. 568 (8th Circ.); *In re Foster Paint & Varnish Co.*, 210 Fed. 652 (E. D. Pa.). Occasionally the result is reached without this step, by deduction from the general authority of the directors to manage the corporation. *In re S. & S. Mfg. & Sales Co.*, *supra; In re United Grocery Co.*, 239 Fed. 1016 (S. D. Fla.). It has been held, however, that an admission of insolvency could not be made by directors not having the power to assign for the benefit of creditors. *In re Bates Machine Co.*, 91 Fed. 625 (D. Mass.).